



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
PO Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,836	06/22/2001	James S. Bradley	CFP-31802/02	7856

7590                    05/15/2003

Avery N. Goldstein  
Gifford, Krass, Kroh, Sprinkle,  
Anderson & Citkowski, P.C.  
280 N. Old Woodward Avenue, Suite 400  
Birmingham, MI 48009-5394

EXAMINER

AUGHENBAUGH, WALTER

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 05/15/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/887,836	BRADLEY, JAMES S.
Examiner	Art Unit	
	Walter B Aughenbaugh	1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 May 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5, 11 and 12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5, 11 and 12 is/are rejected.

7) Claim(s) 2 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Pri ority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Acknowledgement of Applicant's Amendments***

1. The amendments made to page 4, line 21 through page 6, line 2 of the specification given in pages 2-3 of Applicant's Amendment (Paper #8) have been received and considered by Examiner.
2. The amendments made in Claims 1-3, 11 and 12 given in pages 4-5 of Applicant's Amendment (Paper #8) have been received and considered by Examiner.
3. Examiner acknowledges the cancellation of claim 13 on page 5 of Paper #8.

### ***WITHDRAWN OBJECTIONS***

4. The objection to claims 2, 11 and 12 made of record in Paper #5, paragraph 4 has been withdrawn due to Applicant's amendments (and arguments in the case of the limitation "aluminum oxide coated polyester" for which Applicant provides support) in Paper #8.
5. The objections to claim 13 made of record in Paper #5, paragraphs 4 and 5 have been withdrawn due to Applicant's cancellation of claim 13 in Paper #8.

### ***WITHDRAWN REJECTIONS***

6. The 35 U.S.C. 112, first paragraph rejection of claims 2, 11 and 12 made of record in Paper #5, paragraph 11 has been withdrawn due to Applicant's amendments (and arguments in the case of the limitation "aluminum oxide coated polyester" for which Applicant provides support) in Paper #8.
7. The 35 U.S.C. 112, first paragraph rejection of claim 13 made of record in Paper #5, paragraph 11 has been withdrawn due to Applicant's cancellation of claim 13 in Paper #8.

Art Unit: 1772

8. The 35 U.S.C. 103(a) rejection of claims 1-5 over Valyi in view of Satoh et al. made of record in Paper #3, paragraph 13 has been withdrawn due to Applicant's amendments in Paper #8.

9. The 35 U.S.C. 103(a) rejection of claim 11 over Omura et al. in view of Satoh et al. made of record in Paper #5, paragraph 12 has been withdrawn due to Applicant's amendments in Paper #8, and has been replaced with the new 35 U.S.C. 103(a) rejection of claim 11 over Omura et al. in view of Satoh et al. made of record in this Office Action (Paper #9) that addresses the added "solventless" and the two "urethanes" limitations.

10. The 35 U.S.C. 103(a) rejection of claim 12 over Valyi in view of Satoh et al. and in further view of Narsutis et al. and Omura et al. of record in Paper #5, paragraph 13 has been withdrawn due to Examiner's reconsideration of the references applied in the claim 12 rejection.

11. The 35 U.S.C. 103(a) rejection of claim 13 over Valyi in view of Satoh et al. and in further view of Narsutis et al. and Omura et al. of record in Paper #5, paragraph 13 has been withdrawn due to Applicant's cancellation of claim 13 in Paper #8.

#### ***NEW OBJECTIONS***

12. Claim 2 is objected to because of the following informalities: the second occurrence of "OPP" in the sixth line of the claim is redundant. Appropriate correction is required.

#### ***NEW REJECTIONS***

##### ***Claim Rejections - 35 USC § 112***

13. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what Applicant regards as the invention. While limitations directed to package structure are in the claim, the invention is described as "a resealable package closure". Is the closure the invention, or is the package comprising a closure the invention? The recitation that the "package closure compris[es] a package" is confusing. Furthermore, the structure intended to be recited by "a package having an outer layer forming sides and an interior volume" cannot be ascertained. In regard to the claimed "vapor transmission rate", this recitation renders the claim indefinite because the kind of vapor being referred to is not recited: greater than 0.2 grams per 100 square inches per day at 70°F for what kind of vapor?

***Claim Rejections - 35 USC § 103***

14. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saad et al. in view of Satoh et al.

In regard to claims 1-3, Saad et al. teaches a packaging laminate comprising an outer layer made of high density polyethylene that is impermeable to a butylated phenolic antioxidant (col. 2, lines 20-23 and 55-60 and col. 3, lines 1-8) and an adhesive layer between the outer layer and an inner layer (the "control layer" as taught by Saad et al.) and in contact with both the outer and inner layers to form the packaging laminate (ethylene vinyl acetate copolymer is an adhesive resin as evidenced by *Hawley's Condensed Chemical Dictionary*) (col. 2, lines 39-47 and col. 3, lines 13-18). Saad et al. teach that the adhesive layer comprises an adhesive resin (ethylene vinyl acetate copolymer) and the butylated phenolic antioxidant (col. 3, lines 1-18). Saad et al. teach that the inner ("control") layer allows migration of the butylated phenolic antioxidant therethrough (col. 3, lines 34-48).

Saad et al. fail to explicitly teach that the adhesive layer comprises a curing agent, or in regard to claim 3, that the adhesive resin is selected from the group consisting of polyether urethanes, polyester urethanes and polyurethane.

Satoh et al., however, teach a laminate film comprising an improved adhesion layer formed from a resin composition comprising a polyester graft copolymer and a polyurethane resin (col. 2, lines 18-29), where the film has superior adhesion between a substrate and the improved adhesion layer (col. 2, lines 9-12). Satoh et al. further teach the inclusion of a curing agent (i.e. crosslinking agent) in the resin composition to improve the adhesive property, water resistance and solvent resistance of the adhesive composition (col. 15, lines 58-62 and col. 17, lines 11-20) and the inclusion of an antioxidant (col. 4, line 15). Since the film of Satoh et al. has superior adhesion between a substrate and the improved adhesion layer as taught by Satoh et al., one of ordinary skill in the art would have recognized to have replaced the adhesive layer of Saad et al. with the improved adhesion resin composition comprising polyester, polyurethane and a curing agent (i.e. the polyester urethane of Satoh et al.) as the adhesive layer of Saad et al. in order to effect superior adhesive bonding between the outer and inner ("control") layers of Saad et al. as taught by Satoh et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the adhesive layer of Saad et al. with the improved adhesion resin composition comprising polyester, polyurethane and a curing agent (i.e. the polyester urethane of Satoh et al.) as the adhesive layer of Saad et al. in order to effect superior adhesive bonding between the outer and inner ("control") layers of Saad et al. as taught by Satoh et al.

In regard to claim 4, Saad et al. fail to teach a curing agent that is selected from the group consisting of polyamines, polyols, isocyanates and organometallics. Satoh et al., however, teach the use of a crosslinking agent such as an amino resin, an amino resin with alcohol, which is a polyol, multifunctional isocyanate compounds or block isocyanate compounds (col. 16, lines 1-10). One of ordinary skill in the art recognizes that a crosslinking agent is a curing agent: curing agents crosslink polymer chains. Therefore, one of ordinary skill in the art would have recognized to use the adhesive composition of Satoh et al. that is cured by an amino resin, an amino resin with alcohol, multifunctional isocyanate compounds or block isocyanate compounds as the adhesive layer of Saad et al. in order to effect superior adhesive bonding between the outer and inner ("control") layers of Saad et al. as taught by Satoh et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the adhesive composition of Satoh et al. that is cured by an amino resin, an amino resin with alcohol, multifunctional isocyanate compounds or block isocyanate compounds as the adhesive layer of Saad et al. in order to effect superior adhesive bonding between the outer and inner ("control") layers of Saad et al. as taught by Satoh et al.

In regard to claim 5, Saad et al. teach that the butylated phenolic antioxidant is butylated hydroxytoluene or butylated hydroxyanisole (col. 3, lines 4-8).

15. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Omura et al. in view of Satoh et al.

Omura et al. teach an adhesive composition for forming an adhesive film (col. 5, lines 50-56). The composition comprises a resin that consists of one of the polymerizable monomers disclosed in col. 6, lines 7-42. The composition also comprises a curing agent (col. 6, lines 42);

Art Unit: 1772

therefore, the resin is cured. Omura et al. teach the inclusion of the antioxidant 2,6-di-tert-butyl-p-cresol (butylated hydroxytoluene or BHT) in the amount of up to a maximum of 10 parts per 100 parts by weight of the polymerizable monomers (col. 31, line 22), corresponding to a maximum of 100,000 parts per million; the claimed range of Omura et al. consequently overlaps with the claimed range of the instant application.

Omura et al. fail to teach that the cured adhesive resin is solventless, or that the cured adhesive resin is selected from the group consisting of polyether urethanes, polyester urethanes and polyurethane, or that the cured adhesive resin is applied from 0.00005 to 0.001 dry pounds per square foot of a substrate.

Satoh et al., however, disclose a laminate film comprising an improved adhesion layer formed from a resin composition comprising a polyester graft copolymer and a polyurethane resin (col. 2, lines 18-29), where the film has superior adhesion between a substrate and the improved adhesion layer (col. 2, lines 9-12). Satoh et al. further teach the inclusion of a curing agent (i.e. crosslinking agent) in the resin composition to improve the adhesive property, water resistance and solvent resistance of the adhesive composition (col. 15, lines 58-62 and col. 17, lines 11-20) and the inclusion of an antioxidant (col. 4, line 15). Satoh et al. disclose that the polyester graft copolymer is used in the form of a dispersion in an aqueous solvent, namely water (col. 7, lines 40-47). Satoh et al. disclose that the graft polymerization is carried out in an organic solvent that is subsequently evaporated, and water is added to the polymer to form the dispersion (col. 7, lines 47-52). Satoh et al. disclose that the dispersion is then coated onto a thermoplastic substrate film and is then dried (col. 8, lines 5-9). Satoh et al. disclose that the drying of the film results in dehydration; therefore, the water is removed from the adhesive layer (col. 8, lines 7-9).

Art Unit: 1772

and the adhesive film of Satoh et al. is therefore solventless (i.e. free of any organic solvents, including water, see col. 9, lines 15-20). The method of forming the adhesive resin is not germane to the issue of patentability of the adhesive resin itself; the composition of solely the final product is afforded patentable weight. Therefore, one of ordinary skill in the art would have recognized to have replaced the adhesive of Omura et al. with the polyester graft copolymer and polyurethane resin of Satoh et al. (the solventless cured polyester urethane adhesive film taught by Satoh et al.) since Satoh et al. teach that the solventless cured polyester urethane adhesive film of Satoh et al. affords superior adhesive bonding between a substrate and the solventless cured polyester urethane adhesive film as taught by Satoh et al.

In regard to the claimed adhesive application amount of from 0.00005 to 0.001 dry pounds per square foot of a substrate, Satoh et al. disclose that the adhesive is applied to a substrate in an amount of 0.08 dry g/m<sup>2</sup> (col. 21, lines 23-31). The amount of 0.08 g/m<sup>2</sup> is equivalent to 0.00002 pounds per square foot. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have varied the adhesive application amount via routine experimentation in order to determine the optimal adhesive application amount necessary to achieve the desired degree of adhesion between the substrate and the improved adhesion layer of Satoh et al. depending on the particular desired end result, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art in the absence of unexpected results. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

16. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Narsutis et al. in view of Satoh et al. and in further view of Omura et al.

Narsutis et al. teach a resealable package closure for sliced food products comprising a package (item 10, Fig. 1) having an outer layer forming sides (items 12, 14, 16 and 18, Fig. 1-3) and an interior volume (see, for example, Fig. 3, 7, 15 and 22) (col. 4, line 66-col. 5, line 7 and col. 5, lines 19-23). Narsutis et al. teach a flap (item 30, Fig. 1 and 5) extending from at least one side of the package having a resealable peel adhesive (item 32, Fig. 5) that includes portions 36, 38, 40 and 42 (Fig. 1 and 2) applied to a surface of the flap (col. 5, lines 29-35 and 42-48 and Figures 1-7).

Narsutis et al. fail to teach that the resealable peel adhesive is a resealable peel antioxidant adhesive, that the adhesive comprises a solventless cured adhesive resin selected from the group consisting of polyether urethanes, polyester urethanes and polyurethane having a vapor transmission rate of greater than 0.2 grams per 100 square inches per day at 70°F and a butylated phenolic antioxidant present in a concentration of between 1000 and 100,000 parts per million.

Satoh et al., however, disclose a laminate film for use as food packaging (col. 1, lines 17-28) comprising an improved adhesion layer formed from a resin composition comprising a polyester graft copolymer and a polyurethane resin (col. 2, lines 18-29), where the film has superior adhesion between a substrate and the improved adhesion layer (col. 2, lines 9-12). Satoh et al. further teach the inclusion of a curing agent (i.e. crosslinking agent) in the resin composition to improve the adhesive property, water resistance and solvent resistance of the adhesive composition (col. 15, lines 58-62 and col. 17, lines 11-20) and the inclusion of an antioxidant (col. 4, line 15); therefore, the adhesive is cured. Satoh et al. disclose that the polyester graft copolymer is used in the form of a dispersion in an aqueous solvent, namely water

Art Unit: 1772

(col. 7, lines 40-47). Satoh et al. disclose that the graft polymerization is carried out in an organic solvent that is subsequently evaporated, and water is added to the polymer to form the dispersion (col. 7, lines 47-52). Satoh et al. disclose that the dispersion is then coated onto a thermoplastic substrate film and is then dried (col. 8, lines 5-9). Satoh et al. disclose that the drying of the film results in dehydration; therefore, the water is removed from the adhesive layer (col. 8, lines 7-9), and the adhesive film of Satoh et al. is therefore solventless (i.e. free of any organic solvents, including water, see col. 9, lines 15-20). The method of forming the adhesive resin is not germane to the issue of patentability of the adhesive resin itself; the composition of solely the final product is afforded patentable weight. Therefore, one of ordinary skill in the art would have recognized to have used the solventless cured polyester urethane antioxidant adhesive of Satoh et al. as the peel seal adhesive of Narsutis et al. in order to effect superior adhesive bonding between the outer layer of Narsutis et al. and the peel seal adhesive of Narsutis et al. as taught by Satoh et al.

In regard to the limitation that the butylated phenolic antioxidant is present in a concentration of between 1000 and 100,000 parts per million, Omura et al. teach the inclusion of the antioxidant 2,6-di-tert-butyl-p-cresol, (butylated hydroxytoluene) in the amount of up to a maximum of 10 parts per 100 parts by weight of the polymerizable monomers (col. 31, line 22), corresponding to a maximum of 100,000 parts per million. Since Omura et al. establish a butylated phenolic antioxidant concentration of up to 100,000 parts per million as a suitable concentration to use in an adhesive composition, one of ordinary skill in the art would have recognized to use a butylated phenolic antioxidant concentration of between 1,000 and 100,000 parts per million by weight in the adhesive of Satoh et al. as taught by Omura et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the solventless cured polyester urethane antioxidant adhesive of Satoh et al. as the peel seal adhesive of Narsutis et al. in order to effect superior adhesive bonding between the outer layer of Narsutis et al. and the peel seal adhesive of Narsutis et al. as taught by Satoh et al. and to have used an antioxidant concentration of between 1,000 and 100,000 parts per million by weight in the adhesive composition of Satoh et al., since Omura et al. teach an antioxidant concentration of up to 100,000 parts per million as a suitable concentration to use in an adhesive composition.

In regard to the recitation "having a vapor transmission rate of greater than 0.2 grams per 100 square inches per day at 70°F", Satoh et al. disclose that the adhesive composition includes a gas barrier resin (col. 17, lines 27-32). While Satoh et al. fail to explicitly teach that the adhesive composition has a vapor transmission rate of greater than 0.2 grams per 100 square inches per day at 70°F, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have determined the optimal gas barrier resin type and the relative amount of the gas barrier resin to use in the adhesive composition of Satoh et al. in order to achieve an adhesive composition having a vapor transmission rate of greater than 0.2 grams per 100 square inches per day at 70°F depending on the particular desired end results via routine experimentation, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art in the absence of unexpected results. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

**ANSWERS TO APPLICANT'S ARGUMENTS**

17. Applicant's arguments on pages 6-7 of Paper #8 regarding the 35 U.S.C. 103(a) rejection of claims 1-5 over Valyi in view of Satoh et al. made of record in paragraph 13 of Paper #3 are rendered moot due to the new 35 U.S.C. 103(a) rejection of claims 1-5 over Saad et al. in view of Satoh et al. made of record in this Office Action (Paper #9).
18. Applicant's arguments on page 7 of Paper #8 regarding the 35 U.S.C. 103(a) rejection of claim 11 over Omura et al. in view of Satoh et al. made of record in paragraph 12 of Paper #5 have been fully considered but are not persuasive.

While Satoh et al. teaches that the graft polymerization occurs in an organic solvent and that the graft copolymer is then dispersed in an organic or aqueous solvent as Applicant points out, the organic solvent is evaporated in the case of dispersion of the graft copolymer in an aqueous solvent such as water (col. 7, lines 42-52). The dispersion is used as a coating solution to coat a substrate film (col. 8, lines 5-9). The coating solution on the substrate film is then dried, resulting in dehydration (i.e. the removal of water from the coating) (col. 8, lines 7-9). The adhesive taught by Satoh et al. is therefore indeed solventless. The method of forming the adhesive resin is not germane to the issue of patentability of the adhesive resin itself; the composition of solely the final product is afforded patentable weight.

In response to Applicant's piecemeal analysis of the references where Applicant argues that "the primary reference is silent as to the recited resins", it has been held that one cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references. *In re Keller*, 208 USPQ 871 (CCPA 1981). One of ordinary skill in the art would have recognized to have replaced the adhesive of Omura et al.

with the polyester graft copolymer and polyurethane resin of Satoh et al. (the solventless cured polyester urethane adhesive film taught by Satoh et al.) since Satoh et al. teach that the solventless cured polyester urethane adhesive film of Satoh et al. affords superior adhesive bonding between a substrate and the solventless cured polyester urethane adhesive film as taught by Satoh et al.; one of ordinary skill in the art would have therefore recognized to have replaced the adhesive composition of Omura et al. with the adhesive composition of Satoh et al. since both adhesive compositions are suitable adhesive compositions for use as an antioxidant adhesive film as taught by Omura et al. and Satoh et al., respectively.

In response to Applicant's argument that "the text of Satoh found at column 7, lines 41-52 in totality must be read to always include a solvent as water is also a solvent", Satoh et al. teach that the water is removed, via drying, from the aqueous coating solution after the aqueous coating solution is coated onto a substrate film; i.e. the aqueous coating solution is dehydrated (col. 8, lines 5-9) to form an adhesive film that does not comprise water or any other solvent and that is therefore solventless.

19. Applicant's arguments on pages 7-8 of Paper #8 regarding the 35 U.S.C. 103(a) rejection of claim 12 over Valyi in view of Satoh et al. and in further view of Narsutis et al. and Omura et al. made of record in paragraph 13 of Paper #5 are rendered moot due to the new 35 U.S.C. 103(a) rejection of claim 12 over Narsutis et al. in view of Satoh et al. and in further view of Omura et al. made of record in this Office Action (Paper #9).

Contrary to Applicant's argument that Satoh et al. "never [teach] a solventless adhesive", Satoh et al. does indeed teach a solventless adhesive as the final product of the invention as discussed above in the response to Applicant's arguments in regard to the 35 U.S.C. 103(a)

Art Unit: 1772

rejection of claim 11. In response to Applicant's piecemeal analysis of the references where Applicant argues that "Omura et al., as well as the other prior art references comprising the rejection, fail to teach the identity of "solventless cured adhesive resin selected from the group consisting of polyether urethanes, polyester urethanes and polyurethane", it has been held that one cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references. *In re Keller*, 208 USPQ 871 (CCPA 1981). Satoh et al. teaches a solventless cured polyester urethane adhesive resin as made of record in the 35 U.S.C. 103(a) rejection to claim 12 made of record in this Office Action (Paper #9).

### ***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 2,991,193 to Fessler et al. and US 4,880,696 to Yanidis.
21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B Augenbaugh whose telephone number is 703-305-4511. The examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on 703-308-4251. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

wba  
05/13/03 WBA

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772 5/14/03